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 Mark C. Carver\*

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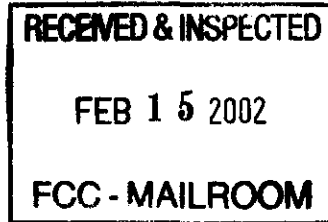
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January 22, 2002

Magalie Roman Salas  
 Office of the Secretary  
 Federal Communications Commission  
 Room TW-B204  
 445 12<sup>th</sup> St. S.W.  
 Washington, D.C. 20554



Re: *In the matter of Service Rules for the 746-764 and 776-794 MHz Bands,  
 and Revisions to Part 27 of the Commission's Rules.*  
 WT Docket No. 99-168

Dear Ms. Salas:

Please find the original and four duplicate copies of Comments on Behalf of the Utility, Cable & Telecommunications Committee of the City Council of New Orleans. Please file these Comments into the record of this matter.

If you have any questions, please feel free to contact me at (504) 832-7204.

With kindest personal regards, I am

Very truly yours

MARK C. CARVER

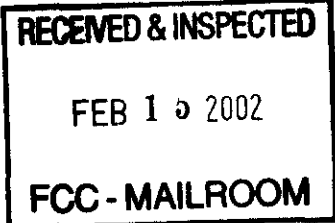
MCC/mc  
 Enclosures

cc: The Honorable Michael K. Powell, Chairman (w/encl)

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Before the  
Federal Communications Commission  
Washington, D.C. 20554



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794 MHz Bands, and Revisions to Part  
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27 of the Commission's Rules )

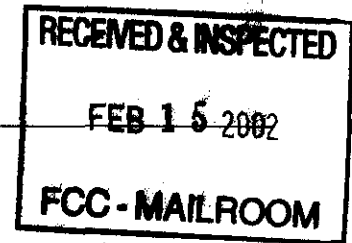
WT Docket No. 99-168

**Comments On Behalf Of Utility, Cable & Telecommunications Committee**  
**Of The City Council Of New Orleans In Support Of**  
**The Petition For Reconsideration By The National Public Safety**  
**Telecommunications Council**

These comments are respectfully filed on behalf of the Utility, Cable & Telecommunications Committee of the City Council of New Orleans ("CNO"). CNO supports the Petition for Reconsideration filed by the National Public Safety Telecommunications Council.

**I. Table of Contents.**

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## **II. Introduction.**

The issue in the Petition for Reconsideration is whether the Commission should reconsider its decision to permit high-power commercial base stations to operate in the 777-792 MHz band in light of new evidence that such commercial operations would cause significant interference with public safety communications systems. A recent study shows that if high-power commercial base stations are permitted to operate in the 777-792 MHz band, then significant interference from those commercial stations will occur on the adjacent frequencies used by public safety stations. CNO believes that the Commission should take steps to eliminate and prevent commercial wireless systems from interfering with public safety radio systems since protection from such interference is clearly within the public's best interest.

## **III. Summary of Argument.**

The Commission erred when it allowed high-power commercial stations to operate in the 777-792 MHz portion of the band. High-power commercial stations operating in the 777-792 MHz portion of the band will cause significant interference with public safety operations. Therefore, the Commission should reconsider its decision in its *Second Memorandum Opinion and Order* and establish rules that would protect public safety radio systems from interference by commercial stations.

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**IV. The Petition for Reconsideration.**

The National Public Safety Telecommunications Council ("NPSTC")<sup>1</sup> filed a Petition for Reconsideration of the Commission's *Second Memorandum Opinion and Order* in the above captioned proceeding.<sup>2</sup> The NPSTC took exception to the Commission's decision to not modify certain technical rules for commercial mobile radio stations ("CMRS") that operate in the 747-762 and 777-792 MHz bands. The NPSTC contends that the Commission's actions will greatly increase harmful interference to 700 MHz public safety operations and cause serious damage to the usefulness of public safety's 700 MHz allocation.

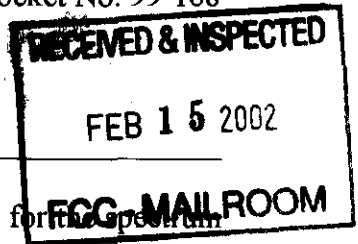
Relying on a technical analysis prepared by the Telecommunications Industries Association, the NPSTC is requesting that the Commission reconsider its decision which will allow high power, commercial base station to operate in the 777-792 MHz band. The NPSTC is asking the Commission to revert to the original 700 MHz band plan that it adopted in the First Report and Order of this proceeding.<sup>3</sup> This technical analysis was completed after the Commission had already released its *Second Memorandum Opinion and Order*. More important, this study provides the Commission with new information regarding interference the 700 MHz public safety allocation.

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<sup>1</sup> The NPSTC is an organization comprised of members of the public safety community whose purpose is to make recommendations to appropriate governmental bodies regarding public safety communications issues.

<sup>2</sup> *In the Matter of Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules*, WT Docket No. 99-169, *Second Memorandum Opinion and Order*, FCC 01-2, 66 Fed. Reg. 9035 (Feb. 6, 2001). ("Second MO&O").

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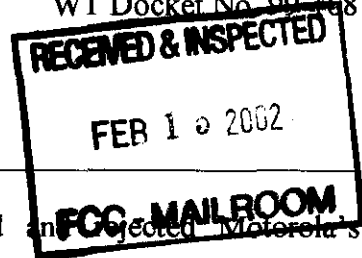


Specifically, the *700 MHz First Report and Order* adopted a plan for the spectrum surrounding the public safety allocation in order to protect public safety operations from interference. This Order established “guard bands” on each side of the public safety allocation at 746-747 / 776-777 MHz and 762-764 / 792-794 MHz to ensure that the activation of commercial services in this spectrum would not impair public safety operations through harmful interference.

In addition, high-power base and fixed transmissions were limited to the lower portion of the commercial allocation (*i.e.*, 746-764 MHz) and the low-power mobile and fixed transmission were restricted to the upper portion of the commercial allocation (*i.e.*, 776-794 MHz).

Several parties sought reconsideration of *700 MHz First Report and Order*, and the Commission eventually adopted a *Memorandum Opinion and Order* in which the Commission reversed its original decision and instead allowed high-power base stations to operate *in either portion* of the commercial allocation.

Thereafter, Motorola sought reconsideration of the Commission’s *Memorandum Opinion and Order* and provided new technical analysis of interference scenarios by the operation of high-power commercial base stations in the 777-792 MHz band (*i.e.*, the upper portion of the commercial allocation). In response, the Commission issued its *Second Memorandum Opinion and Order* (which is the subject of the NPSTC’s Petition for Reconsideration) and concluded that the Commission saw no need to provide the requested degree of protection since instances of interference could be addressed on a case-by-case basis.

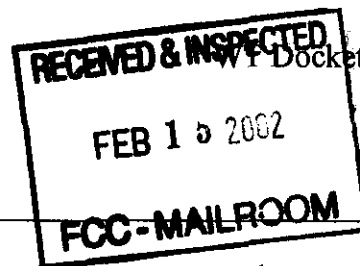


Although the Commission has already considered an FCC rejected Motorola's Petition for Reconsideration on the issue of interference, the NPSTC believes that the Commission should further reconsider its action in light of the considerable likelihood of interference between 700 MHz public safety system deployment and high-power commercial transmitters operating in the 777-792 MHz band.

Since the Commission's actions will greatly increase harmful interference to 700 MHz public safety operations and cause serious damage to the usefulness of public safety's 700 MHz allocation, CNO fully supports the Petition for Reconsideration filed by the NPSTC.

**V. Comments.**

CNO believes that the FCC erred when it allowed high-power commercial stations to operate in the 777-792 MHz portion of the band which is too close to the public safety allocation. In other words, CNO is concerned that high-power commercial stations operating in the 777-792 MHz portion of the band will cause significant interference with public safety operations. The study completed by the Telecommunications Industries Association demonstrates a very strong potential for interference from such stations. Therefore, the Commission should reconsider its decision permitting high-power commercial base stations to operate in the 777-792 MHz portion of the band.



Instead of resolving instances of interference a case-by-case basis, the Commission should promulgate rules that eliminate interference before such interference can occur. Such rules, as suggested by the NPSTC, would provide additional protection against interference and establish a "zero tolerance" of interference to public safety.

#### **VI. Conclusion.**

Law enforcement, fire, emergency medical services and other such public safety agencies provide critical protection and services to their respective communities. Naturally, any interference with the telecommunication and radio signals of these agencies will severely affect their ability to accomplish their missions. Many times, effective and efficient telecommunications are a matter of life or death.

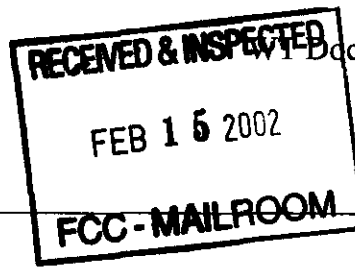
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RESPECTFULLY SUBMITTED:

A handwritten signature in dark ink, appearing to read "Frank J. Uddo", written over a horizontal line.

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MARK C. CARVER (#22297)  
Uddo, Milazzo & Beatmann  
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Comments on Behalf of the Utility, Cable &  
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WT Docket No. 99-168

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New Orleans, Louisiana 70112  
(504) 569-1807

Counsel for the Utility, Cable &  
Telecommunications Committee of the City  
of New Orleans the City of New Orleans

**Certificate of Service**

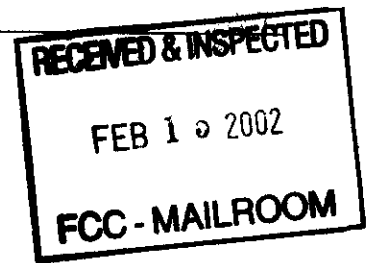
I hereby certify that the above and foregoing was this day served upon the Federal Communications Commission by depositing same into the US Mail, postage prepaid and properly addressed.

Signed in Metairie, Louisiana, January 22 2002.

Mark C. Carver  
MARK C. CARVER



Before the  
Federal Communications Commission  
Washington, D.C. 20554



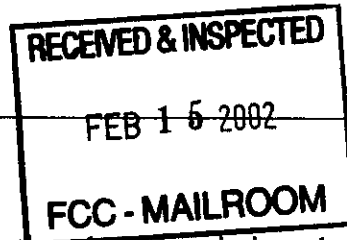
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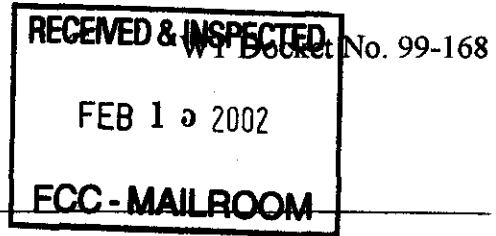
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Counsel for the Utility, Cable &  
Telecommunications Committee of the City  
of New Orleans the City of New Orleans

### Certificate of Service

I hereby certify that the above and foregoing was this day served upon the Federal  
Communications Commission by depositing same into the US Mail, postage prepaid and  
properly addressed.

Signed in Metairie, Louisiana, January 22 2002.

Mark C. Carver  
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